

Plaintiffs

Robert D Barrett Jr #75009

vs

Warden: Ms. White

Unit Manager: Ms. Salazar

Director ~~or~~ Secretary

of Correctional Department: Alisha Tafoya Lucero

FILED

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

MAR 06 2025

12  
MITCHELL R. ELFERS  
CLERK

25cv238 KG/JHR

IDefendantsThis Honorable Court has the jurisdiction to review this  
1983 under Fed, Class (Fed. RII

Plaintiffs

All Defendants of this claim are acting under Color of the  
state of New Mexico, Plaintiffs 8<sup>th</sup> and 14<sup>th</sup> Amendments of  
the Constitutional Rights and state laws,Robert Barrett Jr #75009

Plaintiffs name #

(Plaintiffs name) II

Y

(Signature II)

(Date)

Robert D Barrett Jr #75009

(Signature) Date

02/26/25

(Plaintiffs name) II signature

X

(Signature II) (Date)

TO: Risk management Division  
Joseph Montoya Bldg.  
1100 South Saint Francis Drive  
Santa Fe New Mexico 87501

Date: 02/26/25  
(Date form being sent)

### Notice of Claim

(This form must be filed before filing a tort claim.)  
Pursuant § 41-4-16, N.M.S.A. (1978) You are advised that:

I Robert D Barrett Jr #75009 (Print name), hereby give notice that I sustained a loss/injury for which I may be entitled to recover, pursuant to the New Mexico Tort claim Act.

The loss/injury occurred on or about 02/14/25 - 02/26/25 (Print date of loss/injury), at the Penitentiary of New Mexico/North (Name of Facility) facility under the following circumstances:

(Please state facts briefly and clearly.)  
Violation of civil Right, Violation of Constitutional Right, Breach of liberty and cruel and unusual punishment.

Robert D Barrett Jr #75009  
(Name of Plaintiff)

Robert D Barrett Jr #75009  
(Signature of Plaintiff)

X \_\_\_\_\_  
X \_\_\_\_\_  
02/26/25  
(Date)

## (Complaint)

pg 1

#75009

I Robert D Barrett jr am currently incarcerated in New Mexico's Department of Corrections in Sant Fe at the North Facility. They say this North Facility is a New facility from it being remodeled, on 02/14/25 I along with all the other inmate was transfered from the South Facility over to the North facility. Do to the North facility being redon that the Warden and maintenance would make sure everything is ready and working properly. Or that there would be some kind of cleaning supplies on hand for us inmates to use for once we moved in, for im sure that the warden had to of seen some of the cells or done some walk through's of the facility before moving us in. So if they did walk through and check the cells and facility like they are suppose to for safety reason, well for multiple reasons then they would have seen how filthy nasty dirty the et cells wer and how brown the water was and that the plumbing wasnt working well and seen that the heaters werent working, And its one of two things. the Warden didnt check the facility /cells water plumbing and heaters and just moved us in. Or The Warden did walk through the facility and was aware of how filthy the cells wer and aware of water, plumbing, heaters well lets just say all of the problems and moved us in any ways. Witch was wrong because being a warden you are suppose to know about these problems and have these problems dealt with before new problems occurs, or at least have the supplies for cleaning on hand, or have informants and

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grievances on hand instead of us having to ask for 5 to 6 days before getting any. On 02/14/25 we were all transferred from the south facility to the North facility that 70% of staff are saying this facility was not ready to be moved into. I was moved into 3A Q 108 top tier, when the officers placed me in cell 108 I seen how filthy the cell was and asked for cleaning supplies and was told there was none at the facility it was all at the old facility the South. There was so much dirt and dead insects on my cell floor i would put my hand on the walls or table and bunk and my hand would be black from all the dirt. They just threw my ~~the~~ bedding in the cell which got dirt all over it. they wouldn't give us any kind of rag so i had to use a towel which we only get 2 towels, the staff threw away my knit cap Beanie my thermal and some of my hygiene. The cell was unbarely cold the toilet was brown. I used my towel and attempted to clean but had to stop because instead of cleaning i was creating mud from how much dirt and dust was in my cell. Maybe within an hour of being in my cell my toilet started to over flow, another cell would flush there toilet and my toilet would over flow, my cell 108 and cell 101 was over flowing i immediately asked staff to call maintenance and was told around 30 minutes later that they couldn't get a hold of maintenance and they were really busy with all the moves. I asked for chemicals gloves and cleaning supplies so i can clean up the pee and fecal matter on my cell floor but was told again there was none. The pee and fecal matter and water coming out of my toilet mixed with all the dirt on the cell floor was a mess. I had to ask the other

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inmates to please not flush their toilets so much, I had asked the staff around the time he brought dinner trays if they found any cleaning supplies and yet again no. I also showed the C.O my blankets which I had a half of a blanket that was torn in half and another old worn out with holes in it and was told the facility was out of blankets. So I got pee and fecal water coming out of my toilet mixing with all the dirt on my floor making a mud mess, I got dust and dirt all over the walls, table, bunk, mattress sink. Dirty brown water coming out of the sink and that's the only drinking water we have. C.O's tell me that the other pods toilets are backed up. Then the air gets turned on and starts blowing all kinds of dust around making it hard to breath. I wake up on 02/15/25 Saturday morning to my toilet overflowing again, I have to step over fecal matter/poop on my cell floor and grab my breakfast tray so I can eat, I ask again for cleaning supplies and maintenance and was told maintenance is off on the weekends and they don't have any chemicals or cleaning supplies yet. I have to repeatedly clean up water with pee and fecal/poop off of my floor with no glove just my towel and a little bit of shampoo, my hands started to smell like poop no matter how many times I would wash them I had nowhere to throw away the fecal/poop matter but back into the toilet for it to come back out 20-30 minutes later when someone flushed their toilet, my cell had a very bad smell. I would have to eat my trays/meals 3 times a day with sewage 5 feet away. I also have seizures

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and take medication for them and i sleep on the floor for safety reasons and had the sewage a few feet from me. It was really hard and awkward to use the restroom due to me having to get in sewage because my toilet would be overly full it was realy nasty and unsanitary i would have a mess on me and i would be locked down 23 hours a day, showers 3 times a week. The cells would get so cold it would hurt to move and you could see your breath sometimes, the heaters weren't working. The Warden /deputy warden did a walk through and said it was realy cold and didn't know what was going on with the heaters. They wouldn't give us jackets threw away our beanies/knit caps sweaters sweatshirts thermal's which was uncall for. They came around 02/16/25 sunday around 11:30pm or 12:00am and gave us a brand new blanket due to how cold it was, when they had stated they didn't have anymore blankets that's why they gave us all old thin blankets, half blankets, blankets with holes. They didn't get my toilet fixed until 02/17/25 late afternoonish, heaters around 02/18/25 or 02/19/25. IT was so cold and dusty dirty and smelled so bad it was having me feel bad and we would ask for normals and didn't receive any until 5 days later. I tried to turn in a sick call at first and was told the computer was down and sick calls were piled up to hold on to it so it don't get lost. By Policy medical is suppose to have a health care personal do a daily walk through to each each individual/inmate in R.H.U but that doesn't happen. I would ask over and over to be issued a tablet for legal library since 11/29/25 - got it on

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On 02/21/25 i would ask for legal law library request forms and was told didn't have any printed out. I would ask some of the med pass nurses why i am being house on a top tier due to my medical reason of can't bear a top tier or top bunk due to my seizures but was told its up to security. Medical is suppose to let security know upon my arrival but that was overlooked but they being as give me seizure meds every night so you would think them being medically trained would say you can't be on a top tier. If i was to have a seizer how would they carry me down the stairs in the middle of aere i was on a top tier from 01/26/25 - 02/18/25, it is in my medical file. I was moved to 3B V 104 on 2/18/25 and they had just gotten the heaters working in 3B then on <sup>02/21/25</sup> Friday they came and turned the bottom tiers cells heaters off and it is really cold, it is now 02/26/25 its been off for 5 days, the bottom cells are cold while the top cells are warm. It was wrong to know about these issues but still move us over into a facility that wasn't ready. I had to set in a cell with a toilet over flowing throughout the day, had to use just a ~~toilet~~ towel an shampoo to clean up per water with poop/fecal matter nowere to throw it away but back in toilet for it to over flow again. Hands started to ~~smell~~ smell like poop/fecal matter for not having gloves, had to eat my meals with sewage 3 feet away, had to ~~smell~~ smell sewage all day. Due to my medical condition had to sleep on floor 5 feet away from sewage, had to freez in a cell for a number of days with no heater. Policy state they have <sup>hours</sup> 48 after any verbal or written complaint

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to fix our toilets, but took longer than 48 hours. I went through cruel and ~~unusual~~ unusual punishment for a number of day after being transferred from the south to the North facility. I would like to know if the warden/deputy warden had done thier round at the facility and seen how the cells/foods were and Knew about plumbing, heaters and water was and still moved us in, not caring how it was gonna effect us. We are human as well we didn't deserve this. Or if they didn't do their round like they were suppose to.

Robert D. Barrett Jr #75009  
(Print name)

Robert D. Barrett Jr #75009  
(Signature)

X \_\_\_\_\_

X \_\_\_\_\_

## (Relief Sought)

That the Director of the Department of Corrections of New Mexico, and the Warden of the North Facility in Sant Fe New Mexico be advised and addressed to correct there staff. Also the Duran attorneys as well as our own attorneys be informed, Plaintiffs are asking for injuctive relief, also that the sum of \$100,000 be awarded for each state law violated and \$500,000 be awarded for every Constitutional Rights Violated and a justifiable sum be awarded for each day we had to endure the cruel and unusual punishment or however this court seems just or deems fit.

#75009

Robert D. Barrett Jr Robert D. Barrett Jr X

## Declaration under Penalty or Perjury:

The undersigned declares under Penalty of Perjury that He/She has read the above complaint and the information contained in the complaint is true and correct.

28 U.S.C. §1746; 18 U.S.C. §

02/06/25 #75009

Robert D. Barrett Jr Robert D. Barrett Jr X

X

My name is Robert Barrett #75009 and i am humbly asking if the Court will send me a 42 U.S.C. § 1983 pack a blank Complaint pack and a blank motion to proceed in forma pauperis; also if there is a list of civil attorney, names and address or phone #. And if you can please give me a responser back as soon as possible. Thank you for your time.

Robert Barrett  
2/26/25 JM

Penitentiary of New Mexico  
P.O. Box 1059  
Santa Fe, New Mexico 87502-1059  
Name Robert Bascett Jr No. 75009 Unit: 3B VI

A standard postage stamp with a blue and white design, featuring the text "FIRST-CLASS MAIL" and a large dollar amount.

RECEIVED  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO  
MAR 06 1955  
MITCHELL R. ELLIOTT  
CLERK

U.S. District Court District of New Mexico  
Office of the Clerk Suite 270  
333 Lomas Blvd. N.W.  
Albuquerque New Mexico 87102

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